IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.3478 OF 2004

Anil Raghunath Gaikwad ..Petitioner

Vs.

The Union of India & Ors. ..Respondents

Mr.M.S.Karnik for Petitioner
Mr.D.A.Dubey i/b. S.S.Sarbar for Respondent No.1
Mr.S.G.Page with Mr. S.R. Page for Respondent Nos.2 and 3
Mr. Harshad and Mr. Palwe for Respondent No.4

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 7TH MARCH, 2005.

P.C.

. The Petitioner an unsuccessful bidder for L.P.G. distributorship has challenged the present Petition in awarding L.P.G. distributorship to Respondent No.4.

2. The main contention as raised is that the Respondent No.4 at the relevant time was not working and had no income of his own. It is further set out that the income of the parents was more than Rs.2 lacs and under these circumstances Respondent NO.4 was ineligible. For computing these figures Petitioner contends that the father of the Respondent No.4 was working as Additional Superintendent of Stamps and drawing approximate salary of Rs.20,000/- . His father expired on 27th

May, 2000 and Respondent NO.4's family got approximately Rs.40,000/- towards the salary which was drawn by the father of the Respondent No.4 for the month of April and May. The family pension benefits from the month of June 2000 to March, 2001 comes to approximately Rs.90,000/-. Apart from that the Respondent No.4 got an amount of Rs.10 lacs which as provident fund and gratuity. It is also set out that the Respondent No.4 is having 15 acres of land and having an income of Rs.1,50,000/- by way of agricultural income.

3. Firstly the issue is whether the amount received as terminal benefits by the widow can be said to be income. This is purely a terminal benefit and as such not income earned. A mere fact that the father of Respondent No.4 expired and terminal benefits were paid would not make terminal benefits, income for the purpose of gross income as contemplated by Bharat Petrolium Corpn. Limited. The income would be income earned and not terminal benefits which have been received on account of the death of the father of Respondent No.4. In so far as agricultural income is concerned there is no material produced before us to show that either Respondent No.4 or his parents were getting income of Rs.1,50,000/-. This averment is not supported by any material though the Petitioner has averred that

it is based on knowledge and information. Verification requires the Petitioner to verify the facts which are true to his own knowledge and facts which are based on information. The Petitioner having not discharged the primafacie burden we do not think it fit to call on the Respondents to report to the agricultural income earned by them. On facts the income would not be more than Rs.2 lacs. The objection as raised therefore, has no merit. In the light of that Petition rejected.

. No order as to costs.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)